

Response after Final
Application No. 10/552,152
Attorney Docket No. 053170

REMARKS

(1) Claims 1-9 are pending in the application. No amendment has been made in this Response.

(2) Applicants' representative appreciates the Examiner about the personal interview held on July 23, 2008. The following remarks include applicants' separate record of the substance of that discussion.

(3) Claims 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa et al. (U.S. Patent No. 6,703,451) in view of Quincy et al. (WO 00/50098 A1).

(i) Currently, the Examiner cites Hosokawa et al. who teach titanium or zirconium. However, titanium or zirconium is not taught as an antibacterial metal. Hosokawa et al. teach these metals as improving gel strength, stability and stickiness after water absorption (col. 2, lines 30-32). Hosokawa et al. evaluate the disclosed compositions in view of the flowability, stringiness and shape retention (Table 1 at col. 11), or swollen gel stability (Tables 2 and 3 at cols. 15-16). Quincy et al. do not teach any metal serving as an antibacterial metal, as well. Thus, neither of the references teaches the claimed "antibacterial metal."

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(ii) The Examiner cites Quincy et al. who teach silica gel. However, as stated by the Examiner, Quincy et al. teach a water absorbent resin equating a porous silica gel (page 2, of the outstanding Office Action). The silica gel taught by Quincy et al. is not subject to a process to incorporate a metal therein. Quincy et al. do not teach incorporating a metal into the silica gel in order to make them serving as an antibacterial agent. Quincy et al. merely teach using the porous silica gel instead of the water absorbent resin. Thus, one skilled in the art is not motivated to incorporate a metal as taught by Hosokawa et al. into porous silica gel taught by Quincy et al.

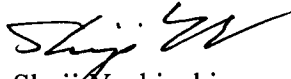
(4) In view of the above, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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